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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,231	12/31/2003	John D. Willems JR.	2003-085-TAP	8903

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EXAMINER

CHEN, TIANJIE

ART UNIT	PAPER NUMBER
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2627

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/750,231

Applicant(s)

WILLEMS ET AL.

Examiner

Tianjie Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 19 and 20 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-14 is/are allowed.
- 6) ☒ Claim(s) 15-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Non-Final Rejection

Election/Restrictions

1. Applicant's election without traverse of Species II, drawn from Figs. 6-10, claims 1-4 and 7-20 in the reply filed on 09/26/2006 is acknowledged. However, claims 19 and 20 recite "a slot having a tapered width;" which only shows in Species I, not in Species II. Therefore, claims 19 and 20 should not be elected. Claims 5 and 6 rejoin for allowance of independent claim 1. Finally claims 1-18 are under consideration.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 15-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 15 recites, "Wherein the impact diversion mechanism diverts the impact force to a side surface of the shuttle." However, the specification states that in the elected embodiment for Species II "the impact force resulting from insertion of a storage medium into the shuttle is conveyed to the protrusion and the flange." The protrusion and the flange are on fixed plates not on the side surface of the shuttle. One skilled in

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the art to which it pertains, or with which it is most nearly connected cannot make and/or use the invention.

Claims 16-18 are rejected for their dependence from claim 15.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Ando et al (US 4,831,472).

Claim 15, Ando et al shows a load and unload apparatus in Fig. 3, which inherently diverts an impact force applied to the load and unload apparatus, including: a shuttle 25 having a cavity configured to accept a storage medium; an elevator mechanism for reciprocally elevating and lowering the shuttle; and the elevator mechanism functions as an impact diversion mechanism for somehow diverting an impact force resulting from insertion of the storage medium into the cavity in the shuttle.

Claim 16, Ando et al further shows a protrusion (at the top of 26) extending from the side surface and a flange 36a located within the apparatus.

Claim 17, Ando et al further shows a flange (at the top of 26) located on a fixed side plate of the apparatus.

Claim 18, Ando et al further shows a protrusion 29a extending from the side surface of the shuttle that is brought into abutment with the flange on application of the impact force to the shuttle.

Allowable Subject Matter

4. Claims 1-14 are allowed.

The following is an examiner's statement of reasons for allowance:

- With regard to independent claim 1, as an exemplary reference, Ando et al (US 4,831,472) shows a storage medium load and unload apparatus for diverting a storage medium insertion impact force, comprising: a shuttle having a first pin with a first radius extending from a side surface of the shuttle and a protrusion having a posterior edge extending from the side surface, wherein the posterior edge is displaced a first distance from a center of the first pin; and a fixed side plate having a flange with a vertical edge and a first slot with which the first pin is engaged has an anterior edge and a curved posterior edge with a first width between the anterior edge and the curved posterior edge, wherein the vertical edge of the flange is displaced a second distance from the anterior edge of the first slot; **but fails to show** that the first slot has a curved posterior edge, and wherein a sum of the first width and the second distance is greater than the sum of the first distance and the first radius.
- Since independent claim 1 is allowed, claims 5 and 6 rejoin and are allowed.

- Applicant asserts: in this invention “A protrusion extending from a shuttle side surface is positioned to impact a flange of a fixed side plate of the apparatus such that the impact force resulting from insertion of a storage medium into the shuttle is conveyed to the protrusion and the flange (Specification, p. 19).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tianjie Chen whose telephone number is 571-272-7570. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on 571-272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


TIANJIE CHEN
PRIMARY EXAMINER